

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:13cv125**

**SYNOVUS BANK,**

**Plaintiff,**

**v.**

**DAVID F. WELLS and  
GREGORY A. RAXTER,**

**Defendants.**

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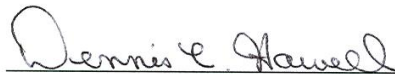
**ORDER**

Pending before the Court is the Motion to Amend [# 10]. On June 4, 2013, Defendant David Wells filed his Answer to the Complaint. Defendant Raxter did not file an answer. Plaintiff then moved the Court for the entry of default against Defendant Raxter, which the Court entered on June 27, 2013. Defendants now move for leave to amend the Answer pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure in order to add Defendant Gregory A. Raxter as a party to the responsive pleading.

As a threshold matter, Defendants have failed to comply with the requirements of the Local Rules, which require the filing of both a motion and a brief. LCvR 7.1(C). Defendants have not filed a legal brief in support of their motion. Accordingly, the Court **STRIKES** the motion [#10] from the record.

Moreover, the proper procedure for correcting the entry of default against a defendant is to file a motion and supporting brief for the Court to set aside the entry of default pursuant to Rule 55(c). Upon the filing of a proper motion and supporting brief containing citations to relevant legal authority, and upon Defendant Raxter demonstrating good cause for setting aside the entry of default, the Court will consider whether setting aside the default is warranted in this case. Defendant Raxter, however, must first comply with the requirements of both the Local Rules and the Federal Rules of Civil Procedure.

Signed: July 31, 2013

A handwritten signature in cursive script, reading "Dennis L. Howell", written over a horizontal line.

Dennis L. Howell  
United States Magistrate Judge

